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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - 5th
TWIN FALLS CO., IDAHO
FILED

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcases 73-193, 73-12137 (Five E Group
Case No. 39576) LLLP) and 73-12138 (Stennett)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended claim 73-193 to Berend and Carla Friehe for 4 cfs from Goldberg Creek to irrigate 460.6 acres in Custer County from April 1 to October 31 with a priority date of April 2, 1907, based on a decree.

On October 9, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* splitting 73-193 into 73-12137 (Five E Group LLLP, 3094 S. Abigail Way, Boise, Idaho, 83706) and 73-12138 (W. Clinton Stennett, P.O. Box 475, Ketchum, Idaho, 83340).

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 73-12137 on December 18, 2007, objecting to place of use. On August 28, 2008, Five E Group LLLP and the United States, with IDWR's concurrence, filed a *Standard Form 5* in subcase 73-12137 agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

Five E Group LLP (73-12137) and Mr. Stennett (73-12138) are entitled to partial decrees adjudicating water rights as described in the *SF-5*, as recommended by IDWR

and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-12137 and 73-12138*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 73-193 **not** be decreed as a water right because it has been split.

DATED November 12, 2008

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 73-12137

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE, ID 83706

SOURCE: GOLDBURG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.284 CFS

PRIORITY DATE: 04/02/1907

POINT OF DIVERSION: T13N R23E S35 SESE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.284 CFS

PLACE OF USE:	Irrigation	Within Custer County
T12N R23E S03 LOT 1	(NENE) 24.0	LOT 2 (NWNE) 38.0
	SWNE 2.0	LOT 3 (NENW) 33.0
T13N R23E S34	SENE 12.0	NESW 40.0
	NWSW 20.0	SWSW 20.0
	SESW 40.0	NESE 35.0
	NWSE 34.0	SWSE 38.0
	SESE 35.0	
S35	SWSW 7.2	
378.2 Acres Total		

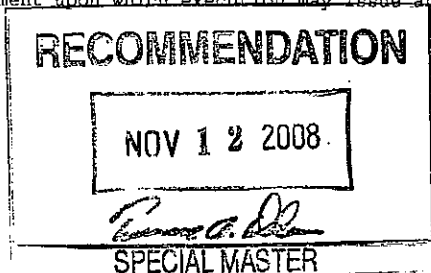
Place of use does not include federal public lands.
Right Nos. 73-12124, 73-12129, 73-1213 and 73-2160 are limited
to the irrigation of a combined total of 378.2 acres in a single
irrigation season.
This right is limited to the irrigation of 164 acres within the
place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is a split from former right 73-193.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-12138

NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

SOURCE: GOLDBURG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.716 CFS

PRIORITY DATE: 04/02/1907

POINT OF DIVERSION: T13N R23E S35 SESE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.716 CFS

PLACE OF USE: Irrigation Within Custer County
T12N R23E S03 LOT 4 (NWNW) 2.4
T13N R23E S33 NESE 40.0
S34 NWSW 20.0 SWSW 20.0
82.4 Acres Total

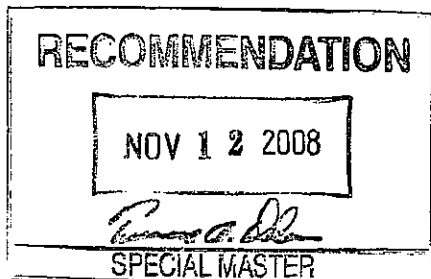
Right Nos. 73-12125, 73-12130, and 73-12138 are limited to the
irrigation of a combined total of 82.4 acres in a single
irrigation season.
This right is limited to the irrigation of 36 acres within the
place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is a split from former right 73-193
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
FILED _____

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 73-00193
73-12137 73-12138

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 12, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

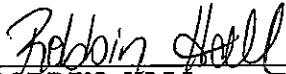
W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

CERTIFICATE OF MAILING

PAGE 1
11/12/08

BEREND FRIEHE
CARLA FRIEHE
2498 RD S NE
MOSES LAKE, WA 98837
Phone: 208-756-4584

FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE, ID 83706



ROBBIN HALL
Deputy Clerk

TRINITY COURT - CHAM
TWIN FALLS CO., IDAHO
FILED _____

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

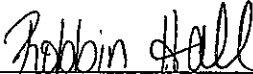
Water Right(s): 73-00193
73-12137 73-12138

On November 12, 2008, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED November 12, 2008.



ROBBIN HALL
Deputy Clerk